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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/903,160 | 07/11/2001 | Cem Basceri | MIO 0062 PA | 3605 |

7590 11/06/2002

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| EXAMINER |
|---|
| OWENS, DOUGLAS W |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2811 | |

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Advisory Action | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/903,160 | BASCERI ET AL. | |
| | Examiner | Art Unit | |
| | Douglas W Owens | 2811 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 30 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-29 and 38-41*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). *8*.

10. ☐ Other: _____

Tom Thomas

TOM THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 5. does NOT place the application in condition for allowance because: the applicants arguments are not convincing. The applicatn argues that Summerfelt et al. does not teach a non-oxide electrode, but teaches a buffer layer. Summerfelt et al. does indeed refer to the non-oxide layer 42 as a buffer layer. However the conductive layer 42 serves the function of an electrode since it is conductive and serves as part of the lower capacitor plate. The application further argues that Summerfelt does not teach oxidizing an upper surface of the non-oxide electrode. Summerfelt teaches in TABLE that the non-oxide electrode can comprise TiN/TiO/TiON, which is a non-oxide electrode with an oxidized upper surface. Summerfelt futher teaches that the TiN layer is indeed oxidized in lines 55-64, where Summerfelt et al. discloses that the BST layer (36) is formed in "very oxidizing conditions" and the BST layer 34 only minimizes oxidation of the TiN layer. Summerfelt et al. does not suggest or implie that oxidation of the TiN layer is completely arrested. It is agreed upon that it was the intention of Summerfelt et al. to minimize oxidation of the TiN layer. However, Summerfelt et al. does not teach a method of completely arresting oxidation of the TiN electrode layer. In fact Summerfelt et al. teaches a method wherein the upper suface of the non-oxide electrode comprises TiO/TiON.